

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALLIANCE FOR OPEN SOCIETY :
INTERNATIONAL, INC., et al., :
: Plaintiffs, : 05 Civ. 8209 (VM)
: :
: v. :
: :
: :
UNITED STATES AGENCY FOR :
INTERNATIONAL DEVELOPMENT, et al., :
: Defendants. :
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**DECLARATION OF
BENJAMIN H. TORRANCE**

BENJAMIN H. TORRANCE, pursuant to 28 U.S.C. § 1746, declares the following:

1. I am an Assistant United States Attorney in the office of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for defendants in the above-captioned action. I have been assigned to defend this matter and am familiar with the proceedings herein.

2. Attached hereto as Exhibit A is a true and correct copy of the Department of Health and Human Services Guidance, 72 Fed. Reg. 41,076, dated July 23, 2007.

3. Attached hereto as Exhibit B is a true and correct copy of the United States Agency for International Development Acquisition & Assistance Policy Directive No. 05-04 Amendment 1, dated July 23, 2007.

4. Attached hereto as Exhibit C is a true and correct copy of the Global Health Council membership list, as it appeared on the Global Health Council web site, www.globalhealth.org, on March 10, 2008.

5. Attached hereto as Exhibit D is a true and correct copy of the Complaint filed in *DKT International, Inc. v. United States Agency for International Development*, No. 05-cv-1604.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
March 17, 2008

/s/ Benjamin H. Torrance
BENJAMIN H. TORRANCE
Assistant United States Attorney
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